Cr.M.P.(M) No.97 of 2007.

01.03.2007 Present: Mr.S.D. Vasudeva, Additional Advocate General with Mr.D.S.Nainta, Deputy Advocate General, for the appellant.

Heard and gone through the record.

Respondent-accused, who was driving a Maruti car on the fateful day, was apprehended by a police party for allegedly carrying 450 grams opium and 80 grams charas in a polythene bag, which was recovered from under the driving seat. It is admitted case of the prosecution that there were three other persons also in the car. Now, when four persons were travelling in the car, it cannot be said that the bag containing the contrabands belonged to the respondent-accused. May be that it belonged to one of the other three occupants. The mere fact that the bag was found lying under the seat of the respondent-accused would not show that it belonged to him because normally the goods found lying under a seat belong to the person who occupies the seat behind that seat. We do not think that the trial Court has committed any error in acquitting the accused. Hence the application for leave to appeal is dismissed.

(Surjit Singh)
Judge

March 1, 2007. **(Dev Darshan Sud)**
(aks) **Judge.**